



## COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400  
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998  
Telephone: (562) 699-7411, FAX: (562) 699-5422  
www.lacsd.org

JAMES F. STAHL  
Chief Engineer and General Manager

June 5, 2006

File No.: 31R-10.11

Ms. Bobbie Garcia  
California Integrated Waste Management Board  
P.O. Box 4025 MS-16  
Sacramento, CA 95812-4025

Dear Ms. Garcia:

### Comments on Proposed Permit Implementation Regulations (AB 1497 Regulations)

Thank you for the opportunity to comment on the proposed permit implementation regulations, which are intended to enforce the statute chaptered by Assembly Bill 1497 (AB 1497). We appreciate the California Integrated Waste Management Board's (CIWMB's) public outreach efforts, workshops, and stakeholder participation early in the regulatory process. As a public agency serving over 5 million people in Los Angeles County and dedicated to environmentally and economically sound integrated management of municipal solid waste, we fully support CIWMB's efforts in developing regulatory language that is consistent with the directives of AB 1497.

We believe that the intent of AB 1497, as chaptered, was to allow for greater review, noticing, and public participation for those proposed permit changes considered "significant." The proposed regulations unduly focus on the insignificant minor changes and eliminate virtually all-discretionary authority from the enforcement agencies (EAs) for determining what constitutes a minor change. By prescribing or imposing a fixed list of minor changes, the EA is not allowed to exercise any discretion on classifying a proposed insignificant facility change as minor. The EA has no choice but to process insignificant changes not shown on the minor change list as a Report of Facility Information (RFI) amendment. We suggest eliminating Subsection 21620(a)(1)(D), which refers to the minor change list, and allow the EA to exercise judgment on classifying a change as minor as long as criteria Section 21620(a)(1)(A)-(C) are met. These minor changes would be within the EA's authority and consistent with the State minimum standards and the existing solid waste facility permit. The current list in Section 21620(a)(1) would then be used as examples of minor changes and not as a qualifying list. An alternative to eliminating the minor change list would be to keep the existing list but add provisions such that the EA has flexibility to classify a change as minor. The proposed change would have to be of the same nature as those on the minor change list, where the change is essentially nonmaterial to the operations.

The proposed regulations preclude any proposed change that was found to have no significant impacts through the preparation of an initial study and adoption of a Negative Declaration by the EA from being considered as a RFI amendment. The proposed regulatory language in Subsection 21665(c)(1) requires that the EA find that no subsequent Environmental Impact Report (EIR) or Negative Declaration is warranted in order for the proposed change to be processed as a RFI amendment. By definition in the California Environmental Quality Act (CEQA), a Negative Declaration is a finding that the project (i.e., change) has no significant adverse effects on the environment. A *Mitigated* Negative Declaration achieves a level of insignificance through project revisions or mitigations. We suggest that Subsection 21665(c)(1) be modified as follows to allow proposed changes processed with Negative

Ms. Bobbie Garcia

-2-

June 5, 2006

Declarations as RFI amendments since no project revisions or mitigations are necessary to find no significant impacts on the environment:

"(1) The EA finds that the proposed change is consistent with all applicable certified and/or adopted CEQA documents in that no subsequent EIR, *Mitigated* Negative Declaration, or supplemental EIR is warranted pursuant to Title 14, Chapter 3, Article 11, Section 15162 or Section 15163, or if the EA finds that the change being requested is exempt from the requirements of CEQA pursuant to Title 14, Chapter 3, Article 5, Sections 15060 and 15061;"

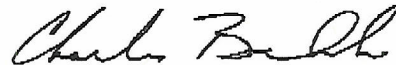
As permitted in CEQA, public agencies can be the lead agency for its own projects and can adopt Negative Declarations or EIRs for such projects. It is our understanding that proposed changes with Negative Declarations already adopted by a public agency, such as the County Sanitation Districts of Los Angeles County (Districts), can be processed by the EA as a RFI amendment provided that all the requirements in Section 21665(c) are met.

The Districts also supports maintaining a separation between the solid waste facility permit process and the local land use entitlement process, such as conditional use permits (CUPs). Operators must adhere to the most restrictive permit or requirements imposed on the operations. Moreover, the local land use authority always has the ability to enforce CUP conditions.

Thank you for your consideration of our comments. Please feel free to call me at (562) 908-4288, extension 2761, should you have any questions.

Very truly yours,

James F. Stahl



Charles Boehmke  
Section Head  
Planning Section

CB:GA:ld

cc: Rosalie Mule, Chair, CIWMB Permitting and Enforcement Committee  
Cheryl Peace, Committee Member, CIWMB  
Pat Wiggins, Committee Member, CIWMB  
Howard Levenson, Deputy Director, CIWMB Permitting and Enforcement  
Mark DeBie, Branch Manager, CIWMB Permitting and Inspection Branch